

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

RICHARD L. MITCHELL,

Plaintiff,

v.

OFFICER O. QUINTANILLA, et al.,

Defendants.

Case No.: 2:22-cv-01827-ART-BNW

ORDER

Pro se plaintiff Richard Mitchell, a Nevada state prisoner, began this action by submitting a civil-rights complaint under 42 U.S.C. § 1983 together with an application to proceed *in forma pauperis* ("IFP"). (ECF Nos. 1, 1-1). On November 28, 2022, the Court denied Plaintiff's IFP application because he did not complete the third page of the Court's form application. (ECF No. 5). The Court gave Plaintiff until January 28, 2023, to either pay the full \$402 filing fee for a civil action or file a new fully complete IFP application. (*Id.*) Before that deadline expired, Plaintiff filed a notice stating that he had requested new financial documents from prison officials on November 28, 2022, but had not yet received them. (ECF No. 6).

The Court finds good cause exists to grant Plaintiff a second extension of time to either pay the filing fee or file a new fully complete IFP application containing all three of the required documents. Alternatively, if Plaintiff is having difficulty obtaining the required financial certificate and inmate account statement for the previous six-month period from prison officials, Plaintiff must complete and file the first three pages of the Court's IFP form together with a declaration detailing the efforts he took to acquire a financial certificate and inmate account statement from prison officials. If Plaintiff chooses to file the first three pages of the IFP application and a declaration, the pages must be from the Court's approved form IFP application and fully completed, and the declaration must detail when Plaintiff requested the financial documents from prison officials, who he conferred with about the status of the documents, when that happened, who he followed

1 up with after he did not receive the documents, when that happened, and prison officials'
2 responses to his questions, if any. If Plaintiff's declaration demonstrates he has done all
3 that was possible to acquire the financial documents from prison officials, the Court will
4 consider his IFP application complete.

5 It is therefore ordered that **on or before March 16, 2023**, Plaintiff must either:

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- Pay the full \$402 filing fee for a civil action;
 - 7 • File a new fully complete application to proceed *in forma pauperis* with all three
8 required documents on the Court's approved form; or
 - 9 • Alternatively if Plaintiff Mitchell is not able to obtain his financial certificate and
10 inmate account statement from prison officials, complete and file the first three
11 pages of the application to proceed *in forma pauperis* for an inmate on the
12 Court's approved form together with a declaration detailing the efforts that he
13 undertook to acquire the required financial documents from prison officials.

14 The Clerk of the Court will send Plaintiff a courtesy copy of the approved form
15 application to proceed *in forma pauperis* for an inmate and instructions for the same.

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17 DATED: February 16, 2023.

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19 UNITED STATES MAGISTRATE JUDGE